

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

UNITED STATES OF AMERICA
Plaintiff,

v.

EDWARD SCHAFER
Defendant.

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Case No.: 3:19-CR-47 DLR

**REPLY TO GOVERNMENT'S RESPONSE TO
MOTION TO DISMISS**

Edward Schafer now replies to the government's response.

The government contends that by placing the required mental state, knowingly, following the possession clause, which also asserts the commerce connection and a prior conviction, it has fully informed the defendant regarding the nature of the offense. Specifically, the government says "...'knowingly' modifies the list in front of it."

If the government is correct, it has also misadvised the defendant that it must also prove he knew the firearm(s) had affected interstate or foreign commerce because the mental state allegation follows that element as well.

The indictment should be dismissed.

Dated: September 5, 2019

Respectfully submitted,

Federal Community Defenders, Inc.

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